

REMARKS

Claims 1-8 and 20 were rejected as being anticipated by Litvinov, which is a 102(e) reference. This rejection is respectfully traversed and should be withdrawn because claims 1, 20 and 21 now include the limitation of claim 9.

Claim 9-10 was rejected as being obvious over Litvinov. This rejection is respectfully traversed.

The subject matter of Litvinov and the claimed invention "were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person" (see 35 USC 103(c)), i.e., Seagate Technology LLC. Thus, Litvinov is *not* prior art for purposes of an obviousness rejection.

In light of the above, the pending rejections should be withdrawn.

In the event that the transmittal letter is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952**, reference No. **146712001800**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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